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Letter dated 10 March 2005 from the Chargé d'affaires a.i. of the Permanent Mission of Croatia to the United Nations addressed to the Secretary-General

On instructions from my Government, I transmit to you herewith the Zagreb Declaration on International Cooperation on Counter-Terrorism, Corruption and the Fight against Transnational Organized Crime, adopted at the expert workshop on "International cooperation on counter-terrorism, corruption and the fight against transnational organized crime", held from 7 to 9 March 2005 in Zagreb, Republic of Croatia.

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly under agenda items 96, 97 and 148 and of the Security Council.

(*Signed*) Ivan **Nimac**
Chargé d'affaires a.i.

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Annex

Zagreb Declaration on International Cooperation on Counter-terrorism, Corruption and the Fight against Transnational Organized Crime

We, the delegations of the Republic of Albania, Bosnia and Herzegovina, the Republic of Bulgaria, the Republic of Croatia, the Republic of Hungary, Romania, the State Union of Serbia and Montenegro, the Slovak Republic, the Republic of Slovenia, and the Former Yugoslav Republic of Macedonia:

Expressing our gratitude to the Government of the Republic of Croatia for having hosted the Expert Workshop on *International Cooperation on Counter-terrorism, Corruption and the Fight against Transnational Organized Crime* and to the United Nations Office on Drugs and Crime (UNODC), which jointly organized the workshop, held 7-9 March 2005, in Zagreb, the Republic of Croatia;

Noting with appreciation the participation in the expert workshop of the following organizations and institutions: the Council of Europe, the Council of the European Union, the European Commission, Eurojust, the International Criminal Police Organization, the International Organization for Migration, the Office of the High Representative (Bosnia and Herzegovina), the Organization for Security and Cooperation in Europe, the SECI Center, the Stability Pact for South-Eastern Europe, and the United Nations Office of the High Commissioner for Human Rights;

Taking note of the serious concern of the international community about the increasing menace of terrorism and spreading of transnational organized crime on the regional and global level, which threatens regional and international security, as well as the security of each individual State;

Confirming our strong commitment to the relentless efforts of the international community in the fight against all forms of corruption, terrorism and transnational organized crime, bearing also in mind the necessary compliance with international human rights and humanitarian laws;

Underscoring the importance of technical assistance and capacity building for the countries, which are in need of such assistance, particularly in the field of drafting and implementing of legislation;

Hereby agree on the following:

Call upon participating States in the region, which have not yet become parties to all the universal conventions and protocols relating to terrorism, the United Nations Convention against Transnational Organized Crime and its three Protocols, as well as to the United Nations Convention against Corruption, to ratify or accede to them as soon as possible;

Call upon the participating States, which have not done so, to submit their reports to the Counter Terrorism Committee of the United Nations Security Council, pursuant to resolution 1373 (2001) of the United Nations Security Council (UNSC) and to the Committee established pursuant to UNSC resolution 1267 (1999) concerning Al-Qaida and the Taliban associated individuals and entities; as well as to the Committee established pursuant to UNSC resolution 1540 (2004), concerning the transfer of weapons of mass destruction to non-state actors;

Call upon UNODC and OHCHR to develop joint programs for the delivery of technical assistance in the areas of counter-terrorism in conformity with the promotion and protection of human rights;

Urge the participating States, which have yet not done so, to take all necessary national measures to afford one another the greatest measure of assistance in connection with criminal investigations or criminal proceedings relating to the financing or support of terrorist acts, corruption, and transnational organized crime, including assistance in obtaining evidence in their possession necessary for the proceedings;

Call upon the participating States to enhance operational cooperation among competent authorities, particularly through bilateral and multilateral arrangements and agreements in combating corruption and transnational organized crime, as well as to prevent and suppress terrorist attacks, in accordance with the relevant provisions of United Nations Security Council Resolution 1373 (2001);

Commend the international, regional and sub-regional organizations represented in the workshop for their active participation and their commitment; and call upon these organizations to promote a continuous dialogue and joint activities in order to maximize resources for strengthening the capacities of the participating States in their efforts to combat terrorism, transnational organized crime and corruption;

Stress the importance of establishing, whenever necessary, the exchange of governmental experts, in order to share experience in the field of legislation against corruption, terrorism and transnational organized crime;

Delegations note with appreciation the annexed conclusions of the working groups on the improvement of international cooperation in the implementation of the universal instruments against terrorism, the UN Convention against Transnational Organized Crime and its Protocols, as well as the United Nations Convention against Corruption, and recommend them as practical tools for the implementation of these instruments.

Follow-up

Participating States are encouraged to consider appropriate follow-up to the conclusions of the Expert Workshop on *International Cooperation on Counter-terrorism, Corruption and the Fight against Transnational Organized Crime* with the support of the participating organizations.

Appendix

Conclusions of the expert workshop on "International cooperation on counter-terrorism, corruption and the fight against transnational organized crime"

COUNTER- TERRORISM

- A terrorist offence should under no circumstances be considered a political offence;
- For all terrorist offences, the rule *aut dedere aut judicare* should be mandatory;
- In relation to extradition the anti-discrimination clause should not be confused with a political offence;
- Participating States should, whenever necessary, take the universal instruments against terrorism as a legal basis for extradition, and consider these instruments as bilateral treaties when States require these treaties as a legal basis for extradition;
- If a participating State refuses extradition or mutual legal assistance based on a lack of relevant legislation or the relevant international or a regional treaty in force in cases related to terrorist offences, the UN Security Council resolution 1373 (2001) should be applied, under the principle of reciprocity;
- The concept of double criminality should benefit of a flexible interpretation in order to allow the broadest mutual legal assistance possible, based on corresponding elements identified in a national legislation.
- Law enforcement liaison officers are recognized by the participating States as very efficient channels for the exchange of information. Their status, role and functioning should be regulated by multilateral (bilateral) agreements;

TRANSNATIONAL ORGANIZED CRIME AND CORRUPTION

- In order to detect and suppress transnational organized crime, the participating States, which have not yet done so, are encouraged to adjust their national legislation in order to meet the requirements to conduct joint international investigations in accordance with international conventions and protocols;
- Recall that an organized criminal group does not require defined roles for its members, hierarchy, continuity of its membership or a developed structure;
- In the framework of international cooperation in criminal matters it is recommended that the request should be as comprehensive as possible to comply with the rule of speciality;
- It is recommended that the competent authorities of a country requested for confiscation of assets deriving from the transnational organized crime activities give immediate effect to the foreign confiscation order, to the greatest extent possible within its domestic legal system, including through agreements on the recognition of foreign judicial decisions;
- Bank secrecy shall not be a ground for refusal of mutual legal assistance in criminal matters;
- Properties deriving from proceeds of crime should be liable to confiscation;
- Participating States should extend their jurisdiction on money laundering cases as broadly as possible regardless of the place where the predicate offence has been committed;
- In the case of extradition, the principle *aut dedere aut judicare* should be fully applied, including in exploring the possibility of surrendering the alleged criminals, upon condition that they will be returned to the country of origin to serve the sentence;
- Participating States should be encouraged to negotiate arrangements to avoid positive or negative conflicts of jurisdiction regarding transnational organized crime cases;

- Participating States recommend a fast, strong and reliable method for the exchange of information to be established, if not yet done so, in the course of detecting and prosecuting organizers and perpetrators of transnational organized crime;
- Participating States are encouraged to improve and promote the protection of victims of trafficking (of persons) and/or smuggling in migrants and to ensure adequate assistance to them, in accordance with the international conventions and protocols;
- Participating States are encouraged to allow their criminal justice systems to admit new methods of evidence necessary to combat transnational organized crime and corruption;
- Participating States are encouraged to promote adequate measures to facilitate the reporting of corruption.

GENERAL REMARKS

Participating States note that the Member States of the European Union are bound to apply the EU legal instruments related to terrorism, transnational organized crime and corruption.

Participating States also underline the value of using available legal instruments of the Council of Europe and the European Union related to terrorism, transnational organized crime and corruption, wherever applicable.

Zagreb, 9 March 2005